

MEMO ENDORSED

Geoffrey W. Castello

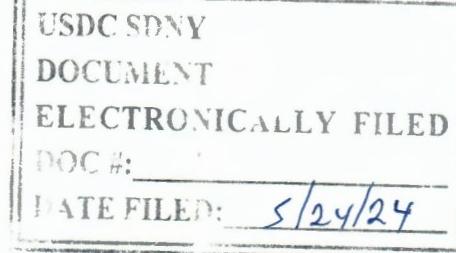
Kelley Drye & Warren LLP
3 World Trade Center
175 Greenwich Street
New York, NY 10007

Tel: (973) 503-5922
Fax: (973) 503-5950
gcastello@kelleydrye.com

May 23, 2024

Via ECF

Hon. Louis L. Stanton, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: *FTC, et al. v. Quincy Bioscience Holding Co., Inc., et al.*
Case No. 1:17-cv-00124-LLS

Your Honor:

We write jointly on behalf of Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., Quincy Bioscience Manufacturing, LLC (collectively, the “Corporate Defendants”) and Mark Underwood, and Plaintiffs the Federal Trade Commission (the “FTC”) and the People of the State of New York (the “NYAG”), concerning the proposed briefing schedule for the two issues discussed at the May 10, 2024 status conference, namely: (1) whether an independent standalone cause of action exists under New York Executive Law § 63(12); and (2) whether the Corporate Defendants face any liability under the FTC Act in light of the jury’s findings.

The Parties propose a simultaneous exchange of opening briefs and responsive briefs for each issue, in accordance with the schedule below:

- Whether an independent standalone cause of action exists under New York Executive Law § 63(12). Briefs on this issue will be limited to twenty (20) pages.

Opening Briefs: June 14, 2024.

Response Briefs: July 12, 2024.

- Whether the Corporate Defendants face any liability under the FTC Act in light of the jury’s findings.

The FTC believes that each side should confine their submissions to what is necessary and seek to avoid repetition, without a set page limit. The Corporate Defendants request that briefs on this issue be limited to twenty-five (25) pages.

so
Ordered
Louis
L. Stanton
5/24/24

Opening Briefs: June 28, 2024.

Response Briefs: July 26, 2024.

No briefs
over 25 pp

so
Ordered
LLS
5/24/24

At this time, the FTC and the Corporate Defendants do not believe that reply briefs will be necessary for this issue. If either side would like to file a reply brief, they will request leave by July 31, 2024.

The Parties respectfully request that the Court provide guidance on whether a page limit for briefs on the issue of corporate liability under the FTC Act is necessary and “so order” the above schedule and proposal.

Respectfully submitted,

KELLEY DRYE & WARREN LLP

By: /s/ Geoffrey W. Castello

Geoffrey W. Castello
Jaclyn M. Metzinger
Glenn T. Graham
Caitlin R. Hickey
3 World Trade Center
175 Greenwich Street
New York, NY 10007
Tel: (212) 808-7800
Fax: (212) 808-7897
gcastello@kelleydrye.com
jmetzinger@kelleydrye.com
ggraham@kelleydrye.com
chickey@kelleydrye.com

Counsel for Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc. d/b/a Sugar River Supplements, and Quincy Bioscience Manufacturing, LLC

By: /s/ Michael B. de Leeuw

Michael B. de Leeuw
Tamar Wise
Amanda Giglio
Cozen O'Connor
3 WTC, 175 Greenwich Street
Ste 55th Floor
New York, NY 10007

Tel: 212-908-1331
Fax: 212-509-9492
Email: mdeleeuw@cozen.com
Email: twise@cozen.com
Email: agiglio@cozen.com

*Counsel for Defendant
Mark Underwood*

By: /s/ Tiffany Woo

EDWARD GLENNON
ANNETTE SOBERATS
ANDREW WONE
CHRISTINE DELORME
TIFFANY WOO
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20850
202-326-3126, eglennon@ftc.gov
202-326-2921, asoberats@ftc.gov
202-326-2934, awone@ftc.gov
202-326-3583, twoo@ftc.gov
202-326-3259 (facsimile)

*Attorneys for Plaintiff
FEDERAL TRADE COMMISSION*

*PEOPLE OF THE STATE OF NEW YORK
BY LETITIA JAMES*

LETITIA JAMES
Attorney General of the State of New York

By: /s/ Kate Matuschak

JANE M. AZIA
KATE MATUSCHAK
MARY ALESTRA
NOAH H. POPP
EMILY SMITH
Consumer Frauds and Protection Bureau
28 Liberty Street
New York, NY 10005
212-416-6189, kate.matuschak@ag.ny.gov
212-416-6698, mary.alestra@ag.ny.gov
212-416-8915, noah.popp@ag.ny.gov
212-416-8316, emily.smith@ag.ny.gov

*Attorneys for Plaintiff
the People of the State of New York*